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**SENATE BILL 580**

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

**INTRODUCED BY**

**Pete Campos**

**AN ACT**

**RELATING TO LAW ENFORCEMENT; ENACTING THE CHILD ABUSER  
REGISTRATION AND NOTIFICATION ACT; CREATING A REGISTRY OF CHILD  
ABUSERS.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. SHORT TITLE.--This act may be cited as the  
"Child Abuser Registration and Notification Act".**

**Section 2. DEFINITIONS.--As used in the Child Abuser  
Registration and Notification Act:**

**A. "child abuser" means a person eighteen years or  
older convicted of abuse of a child who:**

**(1) is a resident of New Mexico;**

**(2) changes his residence to New Mexico after**

**being convicted of a child abuse offense in another state  
pursuant to state, federal or military law; or**

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1 (3) is a resident of another state but is  
2 employed full- or part-time in New Mexico for fourteen days or  
3 more or for an aggregate period of time exceeding thirty days  
4 during any calendar year or is enrolled as a student in New  
5 Mexico;

6 B. "department" means the department of public  
7 safety; and

8 C. "register" means providing the information  
9 required by statute to the county sheriff.

10 Section 3. REGISTRATION OF CHILD ABUSERS-- INFORMATION  
11 REQUIRED-- CRIMINAL PENALTY FOR NONCOMPLIANCE. --

12 A. A child abuser residing in this state shall  
13 register with the county sheriff for the county in which the  
14 child abuser resides. A child abuser employed or attending  
15 school in New Mexico but who is a resident of another state  
16 shall register with the county sheriff for the county in which  
17 the child abuser resides.

18 B. A child abuser who is a current New Mexico  
19 resident shall register with the county sheriff no later than  
20 ten days after being released from the custody of the  
21 corrections department or being placed on probation or parole.  
22 A child abuser who changes residence to New Mexico shall  
23 register with the county sheriff no later than ten days after  
24 establishing residence in New Mexico. A child abuser shall  
25 register the following personal information with the county

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1 sheriff:

2 (1) legal name and other names or aliases that  
3 have been used;

4 (2) date of birth;

5 (3) social security number;

6 (4) current address;

7 (5) name and place of employer or school;

8 (6) the offense on which the conviction was  
9 based; and

10 (7) the date and place of the child abuse  
11 offense.

12 C. A county sheriff registering a child abuser  
13 shall obtain a photograph, a complete set of the abuser's  
14 fingerprints and a description of any tattoos, scars or other  
15 distinguishing features on the child abuser's body.

16 D. When a registered child abuser moves within the  
17 same county, the child abuser shall send written notice of the  
18 change of address to the county sheriff no later than ten days  
19 after establishing the new residence.

20 E. When a registered child abuser moves outside the  
21 county of registration, the child abuser shall register in the  
22 new county within ten days of establishing residence in the new  
23 county and shall send written notice to the county sheriff of  
24 the county of original registration.

25 G. Following initial registration pursuant to the

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1 provisions of this section, a child abuser convicted of child  
2 abuse resulting in death or great bodily harm shall renew the  
3 registration prior to December 31 of each subsequent calendar  
4 year for twenty years.

5 H. Following the initial registration pursuant to  
6 the provisions of this section, a child abuser convicted of  
7 child abuse that does not result in death or great bodily harm  
8 shall renew the registration prior to December 31 of each  
9 subsequent calendar year for ten years.

10 I. A child abuser who willfully fails to comply  
11 with the registration requirements set forth in this section is  
12 guilty of a fourth degree felony and shall be sentenced  
13 pursuant to the provisions of Section 31-18-15 NMSA 1978.

14 J. A child abuser who willfully provides false  
15 information when complying with the registration requirements  
16 set forth in this section is guilty of a fourth degree felony  
17 and shall be sentenced pursuant to the provisions of Section  
18 31-18-15 NMSA 1978.

19 Section 4. PROCEDURES WHEN A CHILD ABUSER MOVES FROM NEW  
20 MEXICO TO ANOTHER STATE--CRIMINAL PENALTY FOR NONCOMPLIANCE.--

21 A. No later than thirty days prior to moving to  
22 another state, a child abuser shall:

23 (1) notify the county sheriff of the county of  
24 residence that a move is planned; and

25 (2) provide the county sheriff with a written

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1 notice identifying the state to which the child abuser is  
2 moving.

3 B. Within five days of receiving a child abuser's  
4 written notice of intent to move to another state, the county  
5 sheriff shall transmit that information to the department.  
6 Within five days of receiving that information from a county  
7 sheriff, the department shall contact the state agency  
8 responsible for registering child abusers in the state to which  
9 the child abuser is moving. The department shall provide the  
10 new state with the child abuser's registration information.  
11 The department shall also obtain information on registration  
12 requirements for child abusers in the state to which the child  
13 abuser is moving and provide the child abuser with such  
14 information.

15 C. A child abuser who willfully fails to comply  
16 with the requirements set forth in this section is guilty of a  
17 misdemeanor and shall be punished by imprisonment for a  
18 definite term less than one year or a fine of not more than one  
19 thousand dollars (\$1,000) or both.

20 Section 5. LOCAL REGISTRY--CENTRAL REGISTRY--  
21 ADMINISTRATION BY DEPARTMENT--RULES.--

22 A. A county sheriff shall maintain a local registry  
23 of child abusers in the county who are required to register  
24 pursuant to the provisions of the Child Abuser Registration and  
25 Notification Act.

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1           B. The county sheriff shall forward registration  
2 information obtained from child abusers to the department. The  
3 initial registration information and any new registration  
4 information obtained from a child abuser shall be forwarded by  
5 the county sheriff no later than ten working days after the  
6 information is obtained. If the department receives  
7 information about a child abuser from a governmental entity  
8 other than a county sheriff, the department shall send that  
9 information to the sheriff for the county in which the child  
10 abuser resides.

11           C. The department shall maintain a central registry  
12 of child abusers required to register pursuant to the  
13 provisions of the Child Abuser Registration and Notification  
14 Act and shall permit public access to the registry.

15           D. The department shall retain registration  
16 information regarding an offender convicted of child abuse  
17 resulting in death or great bodily harm for a period of twenty  
18 years following the conviction.

19           E. The department shall retain registration  
20 information regarding an offender convicted of child abuse not  
21 resulting in death or great bodily harm for a period of ten  
22 years following the conviction.

23           F. The department shall adopt rules necessary to  
24 carry out the provisions of the Child Abuser Registration and  
25 Notification Act.

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1           Section 6. NOTICE TO CHILD ABUSERS OF DUTY TO REGISTER. --

2           A. A court shall provide a child abuser convicted  
3 in that court with written notice of the duty to register  
4 pursuant to the provisions of the Child Abuser Registration and  
5 Notification Act. The corrections department shall provide a  
6 written notice with the same provisions to the child abuser on  
7 release from prison. The written notice shall be included in  
8 judgment and sentence forms provided by the court to the child  
9 abuser and in release forms provided by the corrections  
10 department. The written notice shall inform the child abuser  
11 that it is necessary thereafter to:

12                       (1) register with the county sheriff in the  
13 county in which the child abuser will reside;

14                       (2) report subsequent changes of address  
15 pursuant to the Child Abuser Registration and Notification Act;

16                       (3) notify the sheriff in the county of  
17 residence when a move to another state is planned and register  
18 on reaching the new state; and

19                       (4) read and sign a form indicating receipt of  
20 the written notice and listen to an explanation of the  
21 requirements of the Child Abuser Registration and Notification  
22 Act by a person appointed by the chief judge for the district  
23 in which the child abuser was convicted.

24           B. The court and the corrections department shall  
25 also provide written notification about the release of the

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1 child abuser to the sheriff of the county in which the child  
2 abuser is released and to the department.

3 Section 7. IMMUNITY.--Nothing in the Child Abuser  
4 Registration and Notification Act creates a cause of action on  
5 behalf of a person against a public employer, public employee  
6 or public agency responsible for enforcement of the provisions  
7 of that act, so long as the public employer, public employee or  
8 public agency complies with the provisions of the act.

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